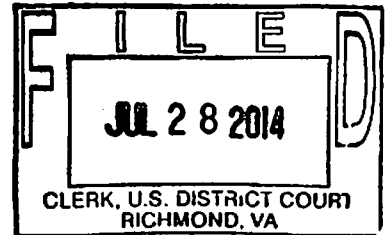


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



JORGE PUENTES,

Plaintiff,

v.

Civil Action No. 3:13CV818

DEPARTMENT OF CORRECTIONS, et al.,

Defendants.

MEMORANDUM OPINION

Jorge Puentes, a Virginia inmate proceeding pro se and in forma pauperis, filed this 42 U.S.C. § 1983 action. In order to state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. See Dowe v. Total Action Against Poverty in Roanoke Valley, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). In his current Complaint, Puentes' allegations fail to provide the particular constitutional right that was violated by the defendants' conduct and also fail to provide each defendant with fair notice of the facts and legal basis upon which his or her liability rests. See Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007) (quoting Conley v. Gibson, 355 U.S. 41, 47 (1957)). Accordingly, by Memorandum Order entered on April 9, 2014, the Court directed Puentes to submit a particularized complaint within fourteen (14) days of

the date of entry thereof. The Court warned Puentes that the failure to submit the particularized complaint would result in the dismissal of the action. The Court received several letters from Puentes, but no particularized complaint. On May 21, 2014, the Court provided Puentes with an unrequested fourteen-day (14) extension of time in which to file a particularized complaint. Puentes filed no particularized complaint. Because the Court noted that Puentes may have been in transit at the time the Clerk mailed the May 21, 2014 Memorandum Order to Puentes, by Memorandum Order entered July 1, 2014, the Court provided Puentes with an additional eleven (11) days in which to file the particularized complaint.

More than eleven (11) days have elapsed since the entry of the July 1, 2014 Memorandum Order. Puentes failed to submit a particularized complaint or otherwise respond to the July 1, 2014 Memorandum Order. Accordingly, the action will be dismissed without prejudice.

The Clerk is directed to send a copy of this Memorandum Opinion to Puentes.

/s/ REP
Robert E. Payne
Senior United States District Judge

Richmond, Virginia

Date:

July 25, 2014